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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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9 ALIGN TECHNOLOGY, INC.,

No. C-05-2948 MMC

10 Plaintiff,
11 v.

**ORDER RE: DEFENDANTS'
OPPOSITION TO PLAINTIFF'S MOTION
TO CONSIDER WHETHER CASES
SHOULD BE RELATED**

12 ORTHOCLEAR, INC. and ORTHOCLEAR
13 HOLDINGS, INC.,

14 Defendants
15 _____/

16 On July 12, 2006, plaintiff Align Technology, Inc. filed a motion, pursuant to Civil
17 Local Rules 3-12 and 7-11, requesting the Court find the instant matter is related to Align
18 Technology, Inc. v. OrthoClear, Inc., et al., C-06-3828 SC. To date, defendants have not
19 filed, in the instant case, opposition or any other response to the motion. See Civil L.R. 3-
20 12(e) (providing response to motion to relate cases "must be filed in the earliest filed
21 case"). The docket of the higher-numbered case, however, reflects that on July 17, 2006,
22 defendants filed an opposition, a supporting declaration, and a proposed order therein. In
23 any event, defendants have failed to provide the Court with a chambers copy of their
24 opposition and supporting documents, in violation of General Order 45 and the Court's
25 Standing Orders. See General Order 45 § VI.G; see also Standing Orders For Civil Cases
26 Assigned to The Honorable Maxine M. Chesney ¶ 2.¹

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28 ¹It is the Court's understanding that the Clerk, as a courtesy, telephonically
contacted defendants to request a chambers copy of their opposition and supporting
documents. Inexplicably, defendants have failed to respond to such request by providing
chambers copies.

1 In the event defendants wish the Court to consider their opposition to plaintiff's
2 motion seeking relation, defendants shall, no later than August 14, 2006, both electronically
3 file herein the above-referenced documents and deliver chambers copies thereof.

4 **IT IS SO ORDERED.**

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6 Dated: August 9, 2006

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8 MAXINE M. CHESNEY
9 United States District Judge
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